

From: Crocker, Philip [<mailto:crocker.philip@epa.gov>]

Sent: Friday, February 03, 2017 2:32 PM

To: Amanda Vincent

Cc: Watson, Jane; Nelson, Russell; Alvarado, Tina

Subject: Request for information related to eLMRAP ecoregion dissolved oxygen criteria and threatened or endangered species

Hi Amanda,

Thank you for your time today to discuss the NOI which EPA received regarding the effects of the recently adopted dissolved oxygen criteria for the eastern Lower Mississippi River Alluvial Plains (eLMRAP) ecoregion on threatened and endangered (T&E) species. Of particular interest are the Alabama heel-splitter mussel and the Gulf sturgeon. I will try to recap the questions and requests for available information discussed in the call, below:

1. Has LDEQ had any discussions with National Marine Fisheries Service or U.S. Fish and Wildlife Service ("the services") either during development of the DO criteria, or during adoption concerning the protectiveness of the criteria to T&E species such as the Alabama heelsplitter mussel and/or the Gulf or Pallid sturgeon?
The LDEQ understands that communication with the Services regarding water quality standards criteria development and revision is the responsibility of EPA, as indicated in the 2001 Memorandum of Agreement between the EPA and the Services (EPA-823-F-01-002); as such LDEQ did not directly correspond with the Services but relied upon EPA for this activity.
2. Did the services review the criteria, that you know of, and if so did they have any comment?
The criteria revision was available for public review and comment from 6/20/15 to 9/4/2015; LDEQ does not have record in either written comments submitted by the public or in verbal comments made at the public hearing of any comments from the Services on the criteria revision.
3. If the existing DO criteria were vacated or stayed by a court, and the previous criteria were put in place, which entities would be affected?
LDEQ regulations and assessments would be affected. Permitted dischargers in the Louisiana Pollutant Discharge Elimination System (LPDES) located in the 31 subsegments where DO criteria was revised would be affected. In addition city, parish and non-governmental entities may be affected.
4. Do you have any data, information or other basis to establish that the criteria are protective of the T&E species pertinent to the eLMRAP ecoregion?
As EPA indicated in the letter to USFWS dated July 19, 2009 regarding the previous ecoregion reference based approach for dissolved oxygen criteria revision in the LMRAP and Coastal Deltaic Plains (CDP) Ecoregions, 'EPA views criteria based on reference conditions to be fully protective of aquatic and aquatic-dependent species, even in waterbodies where the ambient dissolved oxygen conditions are higher than the numeric criteria, because the reference conditions clearly support healthy, naturally-occurring communities. Likewise, implementation of these criteria are not expected to result in water quality conditions that are less than fully

protective.'

(<http://edms.deq.louisiana.gov/app/doc/view.aspx?doc=7931115&ob=yes&child=yes>).

5. Are there studies that you know of that have been conducted in these waters that may be pertinent, e.g., fishery surveys, mussel surveys, bioassessments, and shed light on the question of the protectiveness of the DO criteria?

LDEQ is aware of some references that may be of interest to EPA (please see attached file 'References').

6. Do you have any contacts with the Louisiana Department of Wildlife and Fisheries who would be appropriate for the T&E species of interest, and may have knowledge of their environmental requirements and distribution?

LDEQ suggests contacting Kyle Balkum (225-765-2819) of Louisiana Department of Wildlife and Fisheries (LDWF) as he may be able to provide more guidance to specific contacts within LDWF.

7. Any suggested points of contact at LSU would also be helpful.

Drs. Michael Kaller (mkalle1@lsu.edu; 225-578-0012), Bill Kelso and Allen Rutherford may be able to provide guidance.

8. Do you have an up to date list of TMDLs for, and permits in, the subsegments in question? Digital information would be useful, as would be maps displaying the permittees.

LDEQ can provide a list of dissolved oxygen TMDLs by subsegments in the Lake Pontchartrain Basin, which may include subsegments of interest to EPA. LDEQ can provide a listing of effective water discharge permits within the area of interest, and while LDEQ does not typically prepare maps for other agencies, LDEQ did provide you with the necessary geospatial information to be used by your agency staff to map these items. LDEQ also has a geospatial application, the LDEQ Interactive Mapping Application (LIMA located at <http://map.ldeq.org/>) which could be used to view geospatial information.

If you have any information related to these items, please furnish it to Russell Nelson (please cc Robert Cook and Philip Crocker). Thanks so much—we really appreciate your assistance.

Sincerely,

Phil